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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/846,175 | 04/30/2001 | John E. Brezak | MSI-646US | 4174 |
| 22801 | 7590 | 11/15/2005 | EXAMINER | |
| LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201 | | | SON, LINH L D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2135 | |

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,175

Applicant(s)

BREZAK ET AL.

Examiner

Linh LD Son

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responding to the RCE filed on 08/25/05.
2. Claims 1-24 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hillhouse, US Patent No. 6052468.
5. As per claims 1 and 11, Hillhouse discloses a method for use in a computer capable of supporting multiple authentication mechanisms (Col 6 lines 25-35, and Col 6 lines 53-65), the method comprising: generating at least one indicator associated with and identifying at least one authentication mechanism that has been used to authenticate a user (Col 8 lines 1-15, Col 8 lines 27-43, and Col 8 line 65 to Col 9 line

6); and controlling access to at least one resource based on the indicator (Col 5 lines 32-38, and Col 8 lines 35-43).

6. As per claims 2, 12, and 22, Hillhouse discloses the method as recited in claims 1, 11, and 21, wherein generating the indicator further includes receiving inputs, providing the inputs to the authentication mechanism, and causing the authentication mechanism to generate at least one security identifier (SID) that identifies the authentication mechanism (Col 8 lines 27-43).

7. As per claims 3, 13, and 23, Hillhouse discloses the method as recited in claims 1, 11, and 21, wherein generating the indicator further includes identifying within the indicator at least one characteristic associated with the authentication mechanism (Col 8 lines 27-43).

8. As per claims 4, 14, and 24, Hillhouse discloses the method as recited in claims 3, 13, and 23, wherein the at least one characteristic associated with the authentication mechanism includes a measure of strength of the authentication mechanism (Col 8 lines 44-67).

9. As per claims 5, 15, and 25, Hillhouse discloses the method as recited in claims 4, 14, and 24, wherein the measure of strength of the authentication mechanism identifies a length of an encryption key employed by the authentication mechanism (Col 8 lines 44-67).

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10. As per claims 6, and 16, Hillhouse discloses the method as recited in claims 1, 11, and 21, wherein controlling access to the resource based on the indicator further includes comparing the indicator to at least one access control list having at least one access control entry therein (Col 7 lines 15-18).

11. As per claims 7, and 17, Hillhouse discloses the method as recited in claims 6 and 16, wherein if the access control entry operatively specifies that the at least one authentication mechanism is permitted to access the resource, then access to the at least one resource is allowed to proceed (Col 7 lines 15-21).

12. As per claims 8, 18, Hillhouse discloses the method as recited in claims 6 and 16, wherein if the access control entry operatively specifies that the at least one authentication mechanism is not permitted to access the resource, then access to the at least one resource is not allowed to proceed (Col 5 lines 52-60).

13. As per claims 9, and 19, Hillhouse discloses the method as recited in claims 6 and 16, wherein if the access control entry does not operatively specify that the at least one authentication mechanism is permitted to access the resource, then access to the at least one resource is not allowed to proceed (Col 5 lines 52-60).

14. As per claims 10, 20, and 26, Hillhouse discloses the method as recited in claims 1, 11, and 21, wherein the indicator includes a security token.

15. As per claims 21, Hillhouse discloses an apparatus comprising: at least one authentication mechanism (Col 6 lines 25-35, and Col 6 lines 53-65) configured to

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generate at least one indicator that identifies the authentication mechanism that has been used to authenticate a user (Col 8 lines 1-15, Col 8 lines 27-43, and Col 8 line 65 to Col 9 line 6); an access control list (Col 7 lines 15-18); at least one access controlled resource (Col 8 lines 1-15); and logic operatively configured to compare the indicator with the access control list and selectively control access to the resource based on the indicator (Col 7 lines 1-26, and Col 8 lines 35-43).

Response to Arguments

16. Applicant's arguments filed on 08/25/2005 have been fully considered but they are not persuasive.

17. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Applicant's Disclosure: "... And subsequently controls access (to at least one resource) based on the operating system representation" are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

18. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Page 10, last paragraph, "The indicator does not indicate that the user has been

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authenticated” are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

19. As per argument on page 11, Applicant argues that “Hillhouse does not disclose or suggest a method in which access to at least one resource is controlled based on an indicator that is associated with and identifies at least one authentication mechanism that has been used to authenticate a user”. Examiner believes that Applicant has misinterpreted the invention. In Col 6 lines 53-64, Hillhouse clearly discloses the authentication mechanism to authorize the authentication method prior given access to the key data. In Col 8 lines 27-43, Hillhouse discloses clearly the method of using the indicator of the authorization method to access the key data (one resource) and Hillhouse also discloses that there are 65,000 different authentication method can be represented by using only 2 bytes identifier (lines 33-35, and lines 38-42). Hillhouse clearly anticipates Claims 1, 11 and 21.

20. In light of the Applicant amendment, Examiner has considered the amended part of the claim fully. However, the amended part of the claim, “that has been used to authenticate a user”, has not still overcome the Hillhouse’s invention.

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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856.

The examiner can normally be reached on 9-6 (M-F).

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son
Examiner
Art Unit 2135


KIM VU
SENIOR PATENT EXAMINER
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